How To Open A Bankruptcy Case (and File A Petition)

This Section will guide you through the process of opening a bankruptcy case and filing a petition. ***Users must have the petition prepared and in PDF format before trying to open a case. ECF will not permit you to open a case without a PDF document to upload. (This document must be the petition.)***

Rules to Remember:

1. Unless filing a skeleton, include all of the schedules with the summary page, the statement of financial affairs and the statement of intention if applicable and the Disclosures of Compensation together as the same document. **Do not upload these pages individually.**

2. A Declaration Re: Electronic Filing must be filed as either an attachment to the petition or separately as an individual PDF Document.

3. A matrix is uploaded as a .txt document and is treated separately in this manual.

4. The following documents are always filed as separate documents, never as attachments to the petition:

   a. Chapter 13 plans

   b. Applications to Waive the Filing Fee (In forma pauperis)

   c. Applications to Pay the Filing Fee in Installments are always filed as separate documents.

   d. Form B21-Social Security Statement

   e. Certificates of Credit Counseling

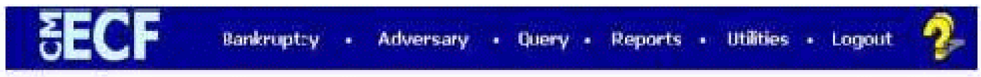
   f. Statements of Monthly Income - Means Test, Disposable Income and CMI documents.

There are two methods for opening a bankruptcy case, the quick way and the conventional way. To use the quick way, you must have petition preparation software that prepares the necessary files in the correct format.

This manual provides instructions for the conventional method of filing. For more information on using the commercial bankruptcy software with ECF, contact the various vendors.

Conventional Case Opening is as follows:

Step 1 Click on the Bankruptcy hyperlink on the ECF **MAIN MENU** Bar.



Step 2 The **BANKRUPTCY EVENTS** screen displays.

BANKRUPTCY EVENT CATEGORIES

For further information on each of these categories, click the **Help** icon from the Main Menu.

Bankruptcy Events

Select one of the menu options available and subsequent screens will prompt you for the information required to:

Answer/Response	File an answer, response, or reply to an existing motion/application in an existing bankruptcy case
Appeal	File an appeal to an existing case
Batch Filings	File different documents to different (unrelated) cases at the same time. (See also Multi-Case Docketing).
Claim Actions	File documents related to claims that have already been filed.
Court Events	File documents or docket events (e.g., utility events) to which only court users have access.
Creditor Maintenance	Enter the names and addresses of creditors to an existing bankruptcy case, either individually or by uploading a creditor matrix. Also edit existing creditors' names and addresses.
File Claims	File a claim to an existing bankruptcy case
Motions/Applications	File a motion or application to an existing bankruptcy case.
Multi-Case Docketing	File the same document to many unrelated cases at the same time (the user must make sure that there is no case-specific information in this document). (See also Batch Filings.)
Notices	File a notice to an existing bankruptcy case.
Open a BK Case	Open/Reopen a Bankruptcy Case
Orders/Opinions	File an order or an opinion to an existing bankruptcy case
Other	File a miscellaneous document to an existing bankruptcy case.
Plan	File a plan (e.g., Chapter 11 Plan) to an existing bankruptcy case.
Trustee/US Trustee	File a document related to the chapter trustee or the U.S. Trustee
Trustee's 341 Filings	Allows the chapter 7 trustee to manage his/her 341 meetings, by date

Updated 05/22/00 (BankruptcyEvents.htm)

close

- To close this help screen, click on the "**X**" in the top right corner of the screen or click on the **Close** box at the bottom of the screen. This will return you to the Bankruptcy Events screen.

Step 3 Select the **OPEN BK CASE** option and the **CASE DATA** screen displays.

Note: The case number, division, Judge and trustee assignments are generated after the case is opened.

- The **Date Filed** cannot be changed.
- The default entry for **Case Type** is "**BK**". It is the only Case Type under this category.
- The default entry for **Chapter** box is **7**. *(If the case is another chapter, click the drop down arrow in the Chapter Box and click on the appropriate Chapter)*
- The default in the **Joint Petition** box is **n** for no. *(If the case is a joint filing, click on the drop down arrow in the **Joint Petition** Box, then click on **y** (yes) to select.)*
- **Deficiencies** - Be very careful here. The default is to "**n**" If your filing package is complete, leave this selection as is. **BUT**, if there are missing schedules, including the summary page, statement of financial affairs, statement of intent, or if you will not be filing the attorney disclosure statement or, if in a Chapter 13 case, the plan immediately after filing the petition, you **MUST** change the default to "**y**" for yes. A later screen will prompt you to identify the missing documents.
- Click **Next** to continue

Step 4 The **PARTY SEARCH** screen displays.

Search for Duplicates

Before adding a party, search the database for the filer name to eliminate duplicate records in the system. You may search by Social Security Number, Tax Identification Number, Last Name or Business Name.

- Enter the debtor's last name or SSN in the correct box and click **Search**.

- For business filings, enter the entire name in the **Last/Business** name field or their Tax Identification number in the Tax Id field.

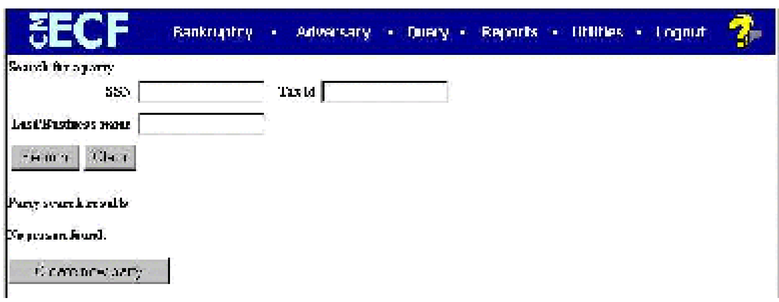
- **DO NOT USE** a party record for a debtor if the social security number *(or in the case of a corporation or partnership the tax ID number)* is missing or if the name of the debtor or the tax number differ from those of your client. If there is more than one name on the list that matches exactly your client's name and there is no match for the social security or tax ID number for the first name on the list, click on the **Back** button on your browser and repeat the inspection of the Party Information record for the next name on the list until you find a match or conclude that there is no record where both the name and social security or tax ID number match your client's name and number.

  If no existing record has both a matching name and matching number, proceed to create a new party record**.**

Search Hints:

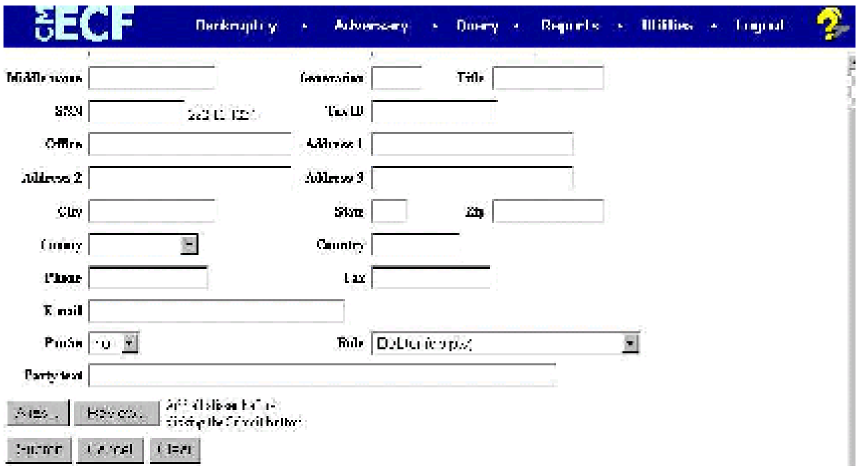
- Enter one field or data for each search
- Format Social Security or Tax Id Numbers with hyphens
- Include punctuation (Garcia-Carrera)
- Try alternate search clues if your first search is not successful.
- Partial names may be entered.
- Wild cards (*) should not be used especially by itself. ALL records in the database will be searched and unnecessary system resources will be used.

Step 5 When there are no matches, the system will return a **No Person Found** message.



- Since the party is not already on the database, proceed to add the debtor. Click **Create New Party**. *(Search criteria already entered will carry over to the new screen.)*

Step 6 The **NEW PARTY INFORMATION** screen displays.



- Enter the debtor **Name** and **Address** information in the appropriate boxes. Refer to the **ECF Style Guide**, Appendix 2 for correct name and address formats. **DO NOT use the 4 digit zip code extensions.**

- **DO NOT use the % character**. Noticing will fail if this character is used.
- If the person does not have a generation designation, leave the box blank.

- Select the debtor's **County** of residence from the pull down list box.

  Note: Type the first letter of the county name for a faster search.

- The system will default ***pro se*** to **no** presuming users of the system are attorneys filing on behalf of a client.

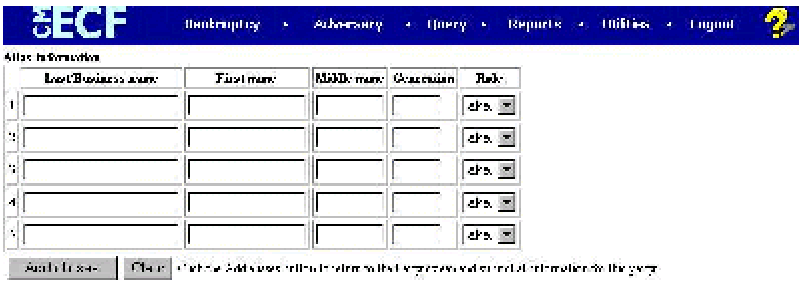
- The **Role Type** defaults to **a blank field.** A Role Type must be entered or you will not be able to proceed past this screen. *(Joint Petition - If the case is a joint petition, change the selection to "**y**" for yes. This will allow you the opportunity to add the joint debtor to a subsequent screen.)* The default is to "**n**" for no, which refers to single debtor petitions.

- Enter further descriptive text for the debtor in the Party text field, if appropriate. *(a Massachusetts Corporation, Guardian of the State, etc.)* This text will appear in the Case Title.

- If the party has an alias, click the **Alias** button.

Step 7 The **ALIAS** screen appears**.**

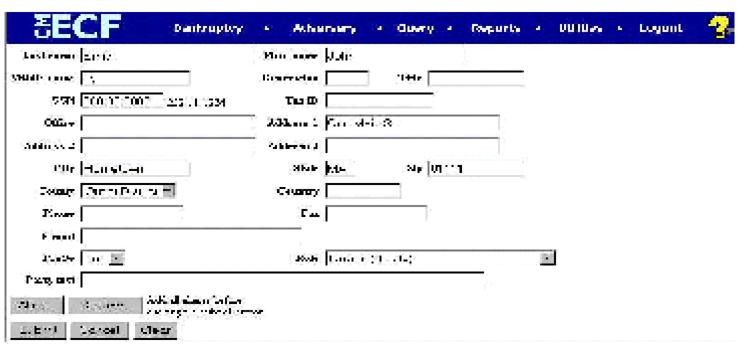
You may enter up to 5 alias records per screen. If you have more than five (5), enter the five (5) and Click on **Add aliases**. You will be brought back to the Party Information screen. Click **Alias** again and you will be allowed to add more records.



- Alias Role selections include *aka, dba, fdba, fka*.

- Click **Add aliases**.

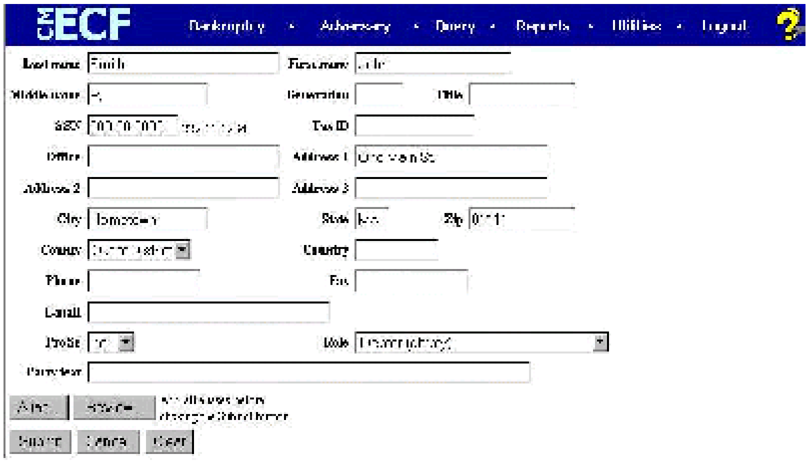
Step 8 The **PARTY INFORMATION** screen reappears and you may enter the appropriate information.



- Review and Verify - Clicking on the **Review** button presents a screen summarizing the attorney and alias activity for this debtor. It is important to review and verify the information entered is accurate.

- Click **Return to Party** screen.

Step 9 The **PARTY INFORMATION** screen appears again.



Note: If filing on behalf of joint debtors, a **JOINT DEBTOR PARTY** screen would appear next. The Party Type for the *second debtor* must be entered as **Joint Debtor**. You may type **J** and the Joint Debtor type will be displayed. *(This means that only one of the Debtors should be designated the Debtor and the other the Joint Debtor.)*

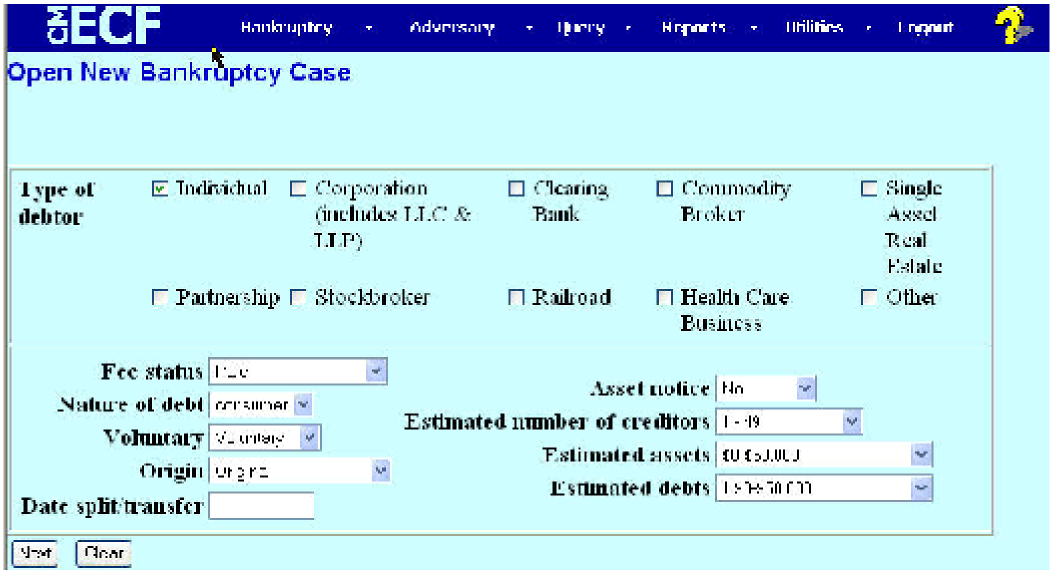
Note: As a Registered User opens a new bankruptcy case, a link to their name and contact information will be made automatically by the system. There is no need to enter yourself as the filing attorney when opening a bankruptcy case. *(Please also note that only Court users may enter attorneys or designate Lead attorneys.)*

If you are finished adding information for this new party, click **Submit** to continue with Case Opening.

Step 10 • The **DIVISIONAL OFFICE** Screen appears, simply click **Next** to continue.

Step 11 The **STATISTICAL DATA** screen appears next.

- Select the **Type of Debtor** by clicking in the appropriate box. Individual does not refer to how many debtors but that the debtor(s) are persons and not a legally created entity such as a corporation or partnership.



- The default in the **Fee Status** box is **p** for paid.

  - If the fee is to be paid in installments, Click the drop down arrow in the **Fee Status** box then Click on **Installments.** *If the fee is to be paid in installments, an Application to Pay Fee must accompany the petition and be filed as a separate document.*

  - If the debtor wishes to have his/her fee waived, or file In forma pauperis, select **IFP Filing Fee is Waived.** *Application to Waive the Filing Fee must accompany the petition and be filed as a separate document. The Court may not permit the debtor to waive their fee in which case, the Court will request payment.)*

- Designate the **Nature of Debt** as either Consumer or Business using the drop down arrow in the **Nature of Debt** box.

- Voluntary/Involuntary. The default value is **Voluntary**. For Involuntary Petitions, select Involuntary from the pull down list in the box.

- Do not change the default in the **Origin** field. This field defaults as Original. No action is necessary. *(Court event)*

- Do not change or enter anything in the **Date Split/Transfer** field. This field is used by the court when a joint debtor splits from the original case or if this case was transferred in from another district. Leave this field blank. *(Court event)*

- The default in the **Asset Notice** box is **n** for no. Only Ch. 7 business, Chapter 13 and Chapter 11 cases are filed as asset cases. In those instances you must change the Asset Notice box to "y" for yes. Chapter 7 individuals are always presumed to be no asset.

- Select the following ranges from the pull down list in the box:

Estimated Creditors

- 1 -15
- 16 - 49
- 50 - 99
- 100 -199
- 200 - 999
- 1,000 - over

Estimated Assets.

- Under $50,000
- $50,001 - 100,000
- $100,001 - 500,000
- $500,001 - 1 million
- $1,000,001 - 10 million
- $10,000,001 - 50 million
- $50,000,001 - 100 million
- More than $100 million

Estimated Debts.

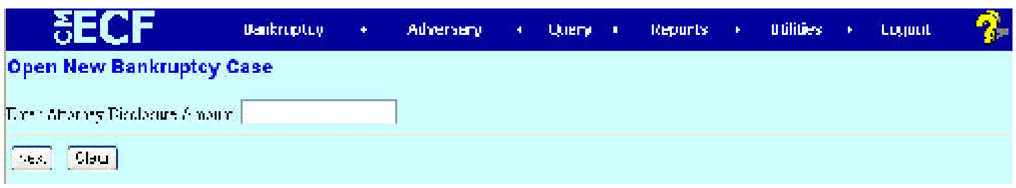
- Under $50,000
- $50,001 - 100,000
- $100,001 - 500,000
- $500,001 - 1 million
- $1,000,001 - 10 million

- $10,000,001 - 50 million
- $50,000,001 - 100 million
- More than $100 million

- Click **Next** to continue.

Note: Remember, if the Debtor is a corporation filing a Chapter 11 case, it is necessary to indicate whether or not the debtor is a small business.

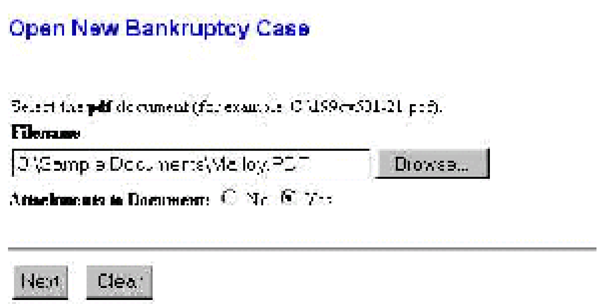
Step 12 The **ATTORNEY DISCLOSURE AMOUNT** screen appears.



- Enter the amount as $nnnn.nn in the text box.

- Click on **Next** to Continue.

Step 13 The **SELECT A PDF DOCUMENT** screen appears.



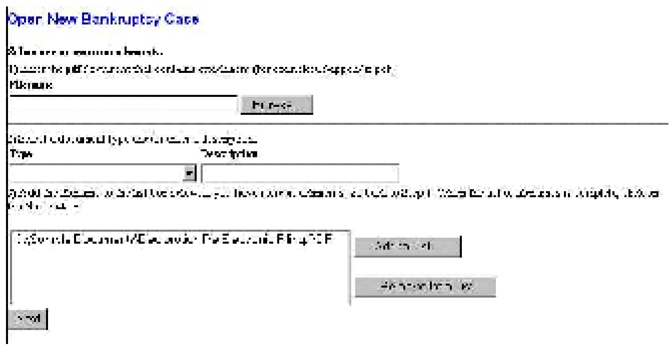
- Click **Browse**, then navigate to the directory where the appropriate PDF file is located.

- Highlight the file. Then right click with your mouse and select **Open** to verify the contents of the document. If correct, double-click the PDF file to select it.

- Since the Declaration Re: Electronic Filing is filed as an <u>attachment, Click yes, there are attachments to this petition.</u>

- Click **Next** to continue.

Step 14A The **SELECT ONE OR MORE ATTACHMENT** screen appears.

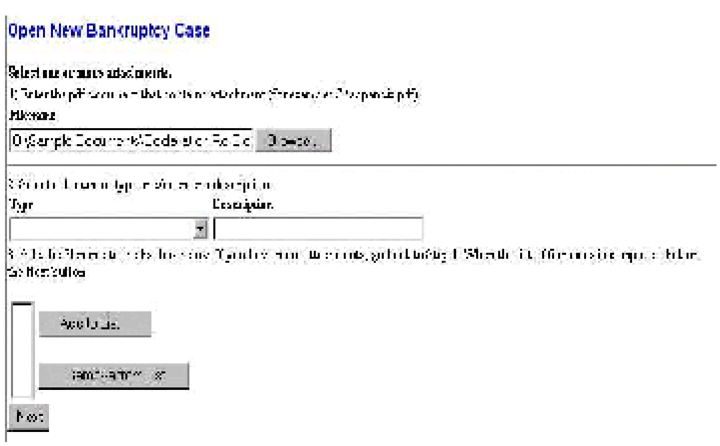


- **Browse** for the Declaration (or other attachment) and select it.

- Under **Type**, use the pull down menu to select the Declaration Re: Electronic Filing.

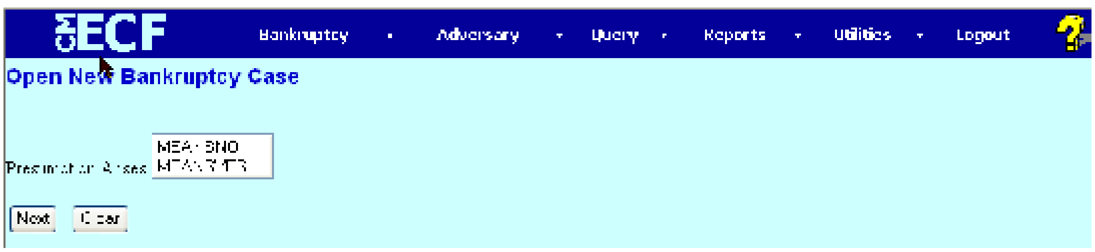
- Click **Add to List** and the next screen will appear.

Step 14B A second **SELECT ONE OR MORE ATTACHMENTS** screen appears.



- This second screen allows you to attach additional documents to this event. If you do not have any additional attachments, change nothing and click **Next**.

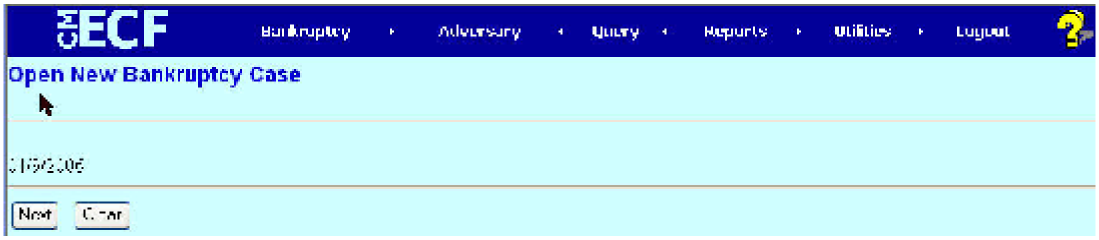
Step 15 The Presumption of Abuse Screen displays. In the box, select the results of the debtor's means test, **means no** for no abuse found or **MEANS YES** for abuse presumed.



Step 16 The **COURT MESSAGE** screen appears.

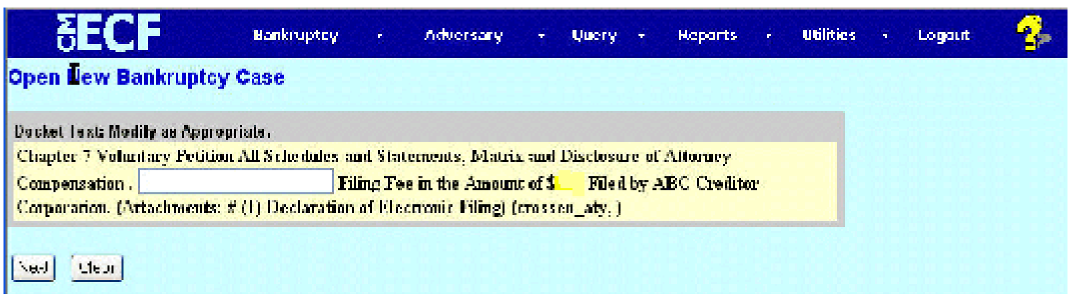
- Click **Next** to continue.

Step 17 A **DATE SCREEN** appears.



- Click Next to continue

Step 18 The **MODIFY DOCKET TEXT** screen appears.



Note: Use the text boxes to clarify or describe your document but note that the actual text on this screen cannot be modified, use the **Back** button on the browser to locate the correct screen to make the desired change then proceed forward through the screens again. ***Be careful to read all of your entries as some information may have been lost and will need to be re-entered.***

- Click **Next** to continue.

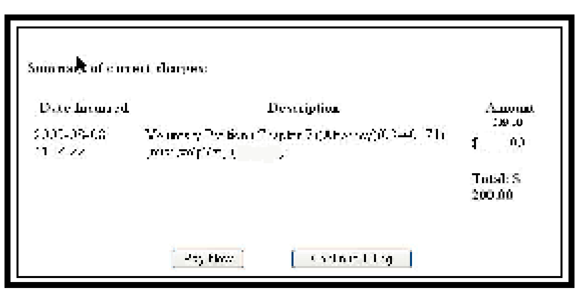
Step 19 The **FINAL TEXT EDITING** screen displays.

Proof this screen carefully! This is your LAST CHANCE to modify or abort this transaction. This is what will print on the docket sheet. If the docket text is incorrect, click the browser **Back** button at the top of the screen one or more times to find the screen to be modified.

Note: To abort or restart the transaction, click on any of the Bankruptcy Events hyperlinks on the Main Menu. Although this can be done at any time, **this is your last opportunity to change the event or exit without filing.**

- Click **Next** to continue. This will irretrievably file the document.

Step 20 The **NOTICE OF ELECTRONIC FILING** screen displays. Which also triggers the a pop-up box or **INTERNET CREDIT CARD PAYMENT** screen displays over it. The user is connected to the U.S. Treasury database and asked to enter the credit card information to pay for this filing. Review Section 4 for additional information concerning Internet Credit Card Payments and Fees.

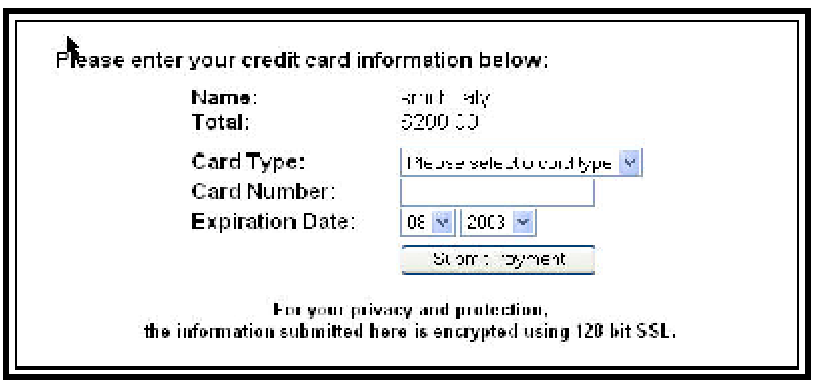


*Fee amounts may differ from image depending upon chapter and changes to the fee schedule over time.

- **Click Pay Now** or if you have additional documents you wish to file in this session. **Click Continue Filing**.

Note: Failure to pay fees to the Court may result in a hearing and loss of ECF privileges. Contact the Clerk's office as soon as possible if you have problems using this feature.

Step 21 The CREDIT CARD INFORMATION screen displays. Enter your information and **Click Submit Payment**.

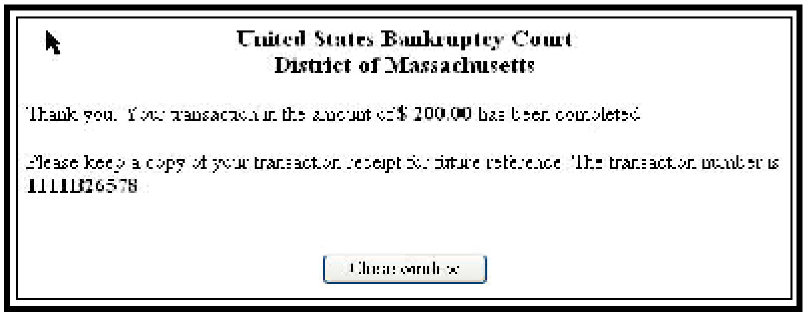


*Fee amounts may differ from image.

Step 22 The **TRANSACTION BEING PROCESSED** screen displays.

Step 23 The **TRANSACTION (RECEIPT) NUMBER** screen displays.

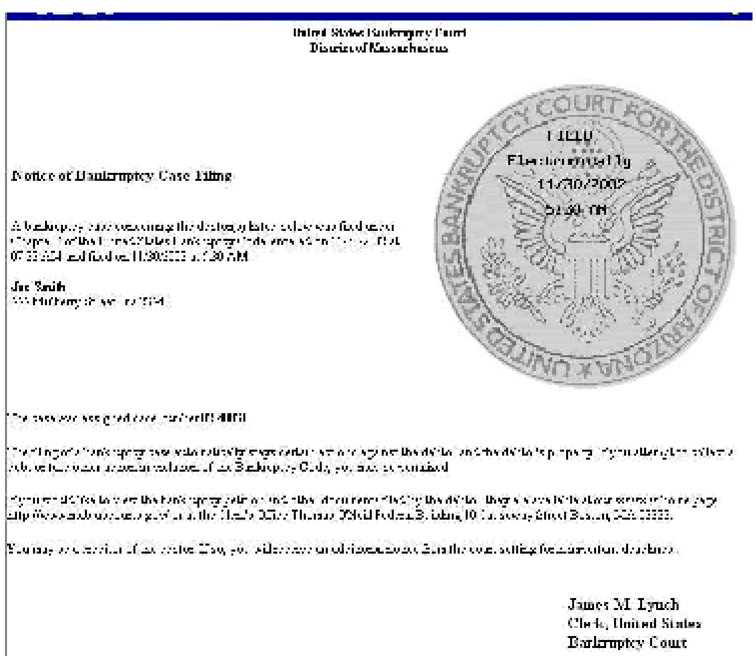
*Fee amounts may differ from image.



*Fee amounts may differ from image.

- Click **Close Window**.

Step 24 The **Notice of Electronic Filing** screen Displays.



This Notice of Electronic Filing screen verifies the filing has been sent electronically to the court's database. It is strongly recommended the user **Save** and/or **Print** this screen for future reference. It will not displayed again.

- Make note of the case number. Clicking on the case number hyperlink identified in blue on the Notice of Electronic Filing will take you to the PACER login screen. After logging in, the docket report for this case will be displayed.

- Clicking on the document number hyperlink will take you to the PACER login screen. After logging in, the PDF Image of the petition just filed will be displayed.

- The Notice of Bankruptcy Case Filing hyperlink appears at the top of the Notice of Electronic Filing. Clicking on this hyperlink will take you to the PACER login. After logging in, the Notice of Bankruptcy Case Filing is displayed. This notice summarizes the pertinent details and identifies the participants of the case.

The **NOTICE OF BANKRUPTCY CASE FILING** is displayed and E-mailed to Registered Users who are members of the case.

This certification was created in addition to the initial notice of filing.

Note: Until you return to the Bankruptcy Events Menu and run the Judge/Trustee program you will not have a judge or trustee assigned to your case. However, you will have a case number and can use this notice to send to creditors as an official notice of stay prior to the 341 Meeting Notice to stop foreclosures and other creditor actions. It may be saved or printed at the time of filing.

The Notice of Bankruptcy Filing is also available for viewing or printing through the Query Main Menu Bar selection. This option is available for public inquiry as well as court users.

- To print a copy of this notice, click the browser **Print** icon.

- To save a copy of this receipt, click **File** on the browser menu bar and select **Save Frame As**.

The final series of steps in the process of opening a new bankruptcy case involves the uploading of the creditor mailing matrix. Prepare the creditor mailing matrix in a document saved in an ASCII format.

TIP: The document containing the creditor matrix must be saved in an ascii format. Most of the petition preparation software programs automatically save the matrix in this format.

Amended matrices are filed in .PDF format and are docketed using the Amended Matrix event.